HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 17122 of 2005

Dated: 14th September, 2005

Between:

1.N.Chandrasekhar Rao S/o. late N.Rajaiah, R/o.5-2-1028,

Mozzamjahi Market, Hyderabad and others.

...PETITIONERS

AND

1. Mandal Revenue Officer, Serilingampally Mandal,

Ranga Reddy District and others.

...RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 17122 of 2005

ORDER:

This writ petition has been filed by the petitioners, who are three in number, with a prayer to issue a writ of Mandamus or any other appropriate writ or direction to the Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District-1st respondent not to sanction mutation in favour of P.Venkat Reddy-3rd respondent and S.Srihari-4th respondent on the strength of sale deed executed by Kotha Janamma @ Janamma-2nd respondent in their favour pending disposal of the suit filed by the petitioners in O.S.No.157 of 2005 on the file of the 1st Additional District Judge, Ranga Reddy District.

2. The facts of the case, in brief, giving raise to filing of the writ petition are:- Kotha Janamma @ Janamma-2nd respondent is the owner of Ac.2.07 guntas in Survey No.215 of Kondapur Village, Serilingampally Mandal, Ranga Reddy District. The petitioners claim that they purchased the property under registered sale deed dated 27.03.1995 from Kotha Janamma @ Janamma represented by her General Power of Attorney Holder-M.Ajay Kumar. The petitioners approached the Mandal Revenue Officer, Serilingampally Mandal, for grant of pattadar pass books and title deeds under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act'). The Mandal Revenue Officer, Serilingampally Mandal, allowed their application and granted pattadar pass book and title deed in their favour in respect of the lands stated supra. It appears the second respondent challenged the orders of the Mandal Revenue Officer, Serilingampally Mandal, by filing an appeal before the Revenue Divisional Officer, Chevella Division, Ranga Reddy District. The appeal ended in dismissal and thereafter she preferred a revision before the Joint Collector, Ranga Reddy District. The Joint Collector, Ranga Reddy District, by order dated 02.04.2005 allowed the revision and cancelled the pattadar pass book and title deed issued in favour of the petitioners. The petitioners filed W.P.No.10506 of 2005 and subsequently the said writ petition ended in dismissal as withdrawn. The second respondent appears to have sold the property in favour of the respondents 3 and 4 under a registered sale deed dated 20.06.2005. Basing on the said registered sale deed, respondents 3 and 4 approached the Mandal Revenue Officer, Serilingampally Mandal, for grant of pattadar pass books and title deeds in their favour under the provisions of the Act. Apprehending that the Mandal Revenue Officer, Serilingampally Mandal, may not issue notice to the petitioners on the said application, the petitioners approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India. Facts of the case would be incomplete if mention of the suit being O.S.No.157 of 2005 on the file of the I Additional District Judge, Ranga Reddy District, filed by the petitioners is not noted.

3. Heard learned counsel appearing for the petitioners, learned Government Pleader for Revenue appearing for the first respondent and learned counsel appearing for the respondents 3 and 4.

4. Learned Counsel appearing for the petitioners submits that the second respondent, who is the original owner, having sold the property to the petitioners,

resorted to sell the same property to the respondents 3 and 4, and the respondents 3 and 4 taking advantage of the registered sale deed standing in their favour are making efforts to obtain the pattadar pass book and title deed in their favour by invoking the provisions of the Act. He further submits that entertaining any of such application pending disposal of the suit filed by the petitioners for declaration of title and injunction would cause much prejudice to their rights in the suit.

5. Learned Counsel appearing for the respondents 3 and 4 submits that the respondents 3 and 4 are *bona fide* purchasers and their rights cannot be impaired. He further submits that the respondents 3 and 4 are not parties to the suit and therefore, any order passed in the suit does not bind them.

6. A fact remains that the petitioners have filed the suit for declaration of title and injunction and the said suit is pending disposal. In that view of the matter, I deem it appropriate to direct the Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District-1st respondent to cause notice to the petitioners in the event of the application of the respondents 3 and 4 being entertained for grant of pattadar pass book and title deed under the provisions of the Act.

7. With the above direction, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Dated: 14th September, 2005.

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